REMARKS

This Application has been carefully reviewed in light of the *Final Office Action* mailed March 4, 2005. Claims 1, 6-8, 13-17, 22-24, 28-29, 31, and 36-48 were pending in the Application and stand rejected. Applicants have amended independent Claims 1, 7-8, 15-17, 23-24, 28-29, 31, 37-38, 40, 42, 44 and 46, and cancelled Claims 6, 13, 22 and 36 to further define the patentable subject matter. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1, 6-8, 13-17, 22-24, 28-29, 31 and 36-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2002/0001302 A1, which issued to Pickett ("*Pickett*"), in view of U.S. Patent No. 6,100,882, which issued to Sharman et al. ("*Sharman*"). To establish obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03.

Applicants' independent Claim 1 recites:

>A method for communicating voice and text associated with a packet-based voice communications session comprising:
>receiving local voice information from a local participant in a packet-based voice communications session having at least one remote participant;
>converting the local voice information into local text;
>generating a first stream of packets encoding the local text;
>generating a second stream of packets encoding the local voice information;
>communicating the first stream of packets to the remote participant using transmission control protocol (TCP);
>communicating the second stream of packets to the remote participant using user datagram protocol (UDP);
>wherein the packet-based voice communications session comprises an Internet protocol (IP) telephony communications session;
>receiving a first stream of packets encoding remote voice information and a second stream of packets encoding remote text from the remote participant; and
>displaying both the local text and the remote text to the local participant using a visual output device.

Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of this claim.

Among other aspects of Claim 1, *Pickett* in view of *Sharman* fails to teach or suggest:

- "communicating [a] first stream of packets [encoding the local text] to [a] remote participant,"

- "communicating [a] second stream of packets [encoding the local voice information] to the remote participant,"

- "receiving a first stream of packets encoding remote voice information and a second stream of packets encoding remote text from the remote participant;" and

- "displaying both the local text and the remote text to the local participant using a visual output device."

First, neither *Pickett* nor *Sharman* discloses both (a) communicating local text and voice data to a remote participant via separate streams of packets, and (b) communicating remote text and voice data from the remote participant via separate streams of packets. Moreover, neither *Pickett* nor *Sharman* discloses "displaying both the local text and the remote text to the local participant using a visual output device," as specifically recited in amended Claim 1. In fact, nowhere does *Pickett* or *Sharman* disclose displaying both local text and remote text to a particular participant in a communication session. If the Examiner believes that *Pickett* in view of *Sharman* does disclose, teach or suggest these limitations, Applicants request the Examiner point out with sufficient specificity the particular portions of *Pickett* or *Sharman* that disclose, teach or suggest these limitations.

For at least these reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of amended independent Claim 1. For analogous reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of amended independent Claims 8, 17, 24, 31, and 38. The remaining claims depend from and therefore incorporate the elements of the independent claims shown above to be allowable over *Pickett* in view of *Sharman*. Thus, for at least these

reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of all pending claims.

In addition, various dependent claims provide additional elements not taught or suggested by *Pickett* in view of *Sharman*. For example, amended dependent Claim 40 recites:

> The method of Claim 1, further comprising:
> detecting a degradation in a quality of the packet-based voice communications session; and
> communicating the first stream of packets to the remote participant using transmission control protocol (TCP) in response to detecting the degradation in the quality of the packet-based voice communications session.

Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of this claim as well. In particular, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest "communicating the first stream of packets to the remote participant using transmission control protocol (TCP) in response to detecting the degradation in the quality of the packet-based voice communications session." (emphasis added).

With respect to the previous version of Claim 40 (i.e., before the current amendments), the Examiner first cites two unrelated portions of *Pickett*. *Final Office Action*, at pp. 3-4 and 14. The first portion, paragraph 105 of *Pickett*, discloses performing signal processing after detecting errors on analog telephone lines. However, performing signal processing after detecting errors on analog telephone lines fails to teach or suggest "communicating the first stream of packets to the remote participant using transmission control protocol (TCP) in response to detecting the degradation in the quality of the packet-based voice communications session." The second portion, paragraph 363 of *Pickett*, discloses various technologies that may be used to enhance voice quality associated with voice over Internet protocol (VoIP) communications: dynamically adjustable jitter buffers, packet-loss correction, noise-level matching, and rerouting voice data over alternative networks. The Examiner claims that such technologies necessarily include the ability to detect a quality related measure regarding data transmission. *Final Office Action*, at p. 4.

However, such various technologies fail to teach or suggest "communicating the first stream of packets to the remote participant using transmission control protocol (TCP) in response to detecting the degradation in the quality of the packet-based voice communications session," as recited in amended Claim 40. Thus, neither of the cited portions of *Pickett* teaches or suggests the recited claim language.

The Examiner also cites a portion of *Sharman* with respect to Claim 40. *Final Office Action*, at p. 14. This portion recites:

> [The] text recording process can be turned on and off during the audio conference (ie typically only a single node will turn on the text recording process). Note also that the ability to only record selected portions of the conference is useful to prevent the minutes becoming excessively long. Typically text recording might be turned on after a point has been discussed to allow the conclusions and any necessary actions arising therefrom to be minuted.

Sharman, at col. 4, ll. 1-8. Thus, *Sharman* discloses recording text during an audio conference and suggests that such recording might be useful to take minutes related to the audio conference. According to the Examiner, "'the text recording process can be turned on and off during the audio conference' . . . suggests that voice communication session (and its quality detection) is always before the text session." *Final Office Action*, at p. 14.

However, even assuming arguendo that the Examiner's claims were correct, recording minutes in an audio conference in no way teaches or suggests "communicating the first stream of packets to the remote participant using transmission control protocol (TCP) in response to detecting the degradation in the quality of the packet-based voice communications session," as recited in amended Claim 40. Moreover, even if turning an audio recording process on and off could be equated with "communicating the first stream of packets to the remote participant using transmission control protocol (TCP)" (which it cannot), *Sharman* fails to teach or suggest turning such audio recording process on and off "in response to detecting the degradation in the quality of the packet-based voice communications session," as specifically recited in amended Claim 40.

For at least these reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of amended dependent Claim 40. For analogous reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to

teach or suggest every element of amended independent Claim 38 as well as amended dependent Claims 42, 44, 46, and 48. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 38, 40, 42, 44, 46, and 48.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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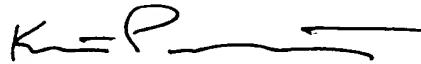
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